

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE INC., ARRIS
INTERNATIONAL LIMITED, ARRIS
GLOBAL LTD., ARRIS US HOLDINGS,
INC., ARRIS SOLUTIONS, INC., ARRIS
TECHNOLOGY, INC., and ARRIS
ENTERPRISES, LLC, NOKIA CORP.,
NOKIA SOLUTIONS AND NETWORKS
OY, and NOKIA OF AMERICA CORP.,

Defendants.

Civil Action No. 2:21-CV-00310-JRG
(Lead Case)

Civil Action No. 2:21-CV-00309-JRG
(Member Case)

NOKIA OF AMERICA CORP.,

Third-Party Plaintiff,

v.

BROADCOM CORP., BROADCOM INC.,
and AVAGO TECHNOLOGIES
INTERNATIONAL SALES PTE. LTD.,

Third-Party Defendants.

OPPOSED MOTION TO ENTER AMENDED DISCOVERY ORDER

Third-Party Defendants Broadcom Corp., Broadcom Inc., and Avago Technologies International Sales Pte. Ltd. (collectively, "Broadcom") respectfully file this Opposed Motion to Enter Amended Discovery Order and in support thereof show as follows. As Third-Party Plaintiff Nokia of America Corp. ("NoAC") filed its Complaint against Broadcom on January 28, 2022 (ECF No. 70), and as Broadcom entered its appearance in this case on April 14, 2022, by filing its Motion to Dismiss (ECF No. 114), good cause exists to amend the current Discovery Order because the current order does not address disclosure and discovery involving claims between Nokia and Broadcom. The parties have met and conferred to discuss these issues on numerous occasions, with the last meet and confer occurring on June 17, 2022.

As noted below and in the attached Exhibits A and B, Broadcom is making two proposals in an effort to reduce the disruption to the current Discovery Order.

In Exhibit A and Proposal A, Broadcom requests that its discovery obligations be limited to the sole claim of indemnification directed towards Broadcom, in accordance with Fed. R. Civ. P. 26(b)(1) and CV-26(d). And if discovery is so limited, as discussed in the related Opposed Motion to Enter Revised Docket Control Order, filed concurrently herein, Broadcom's Proposal A would only necessitate minor adjustments to the current Docket Control Order.

Plaintiff TQ Delta, LLC ("TQ Delta") does not oppose this limitation and Proposal A; Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS International Limited, ARRIS Global Ltd., ARRIS US Holdings Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC ("CommScope") take no position on this limitation and Proposal A; and Defendants Nokia Corp., Nokia Solutions and Networks Oy, and Nokia of America Corp. ("Nokia") oppose this limitation and Proposal A.

However, Nokia's position is that Broadcom should be subject full discovery on all the parties' claims and defenses, including discovery related to damages and the validity and infringement of the Asserted Patents, claims to which Broadcom is not a party. It is Broadcom's position that this is in contravention of Fed. R. Civ. P. 26(b)(1) and CV-26(d), as Nokia is seeking party discovery through a third-party in an attempt to make an end run around its deficient claim for indemnification.¹ But if the Court determines that Broadcom is subject to such full discovery, then Broadcom requests the full opportunity to conduct discovery as a party in the underlying case, which, as seen in Exhibit B and Proposal B, will necessitate modifying the Discovery Order and extending the majority of the deadlines in the Docket Control Order.

TQ Delta opposes Proposal B only to the extent it necessitates modifying the current Docket Control Order but otherwise does not oppose the discovery limitations set therein; and CommScope and Nokia do not take a position.

Dated: June 22, 2022

Respectfully submitted:

ADSERO IP LLC

/s/ Melissa R. Smith

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¹ Broadcom has repeatedly informed Nokia that it is willing to agree to accept service and substantively respond to a duly issued subpoena from the Northern District of California to provide any required discovery in Nokia's underlying case with Plaintiff TQ Delta.

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*Counsel for Third-Party Defendants BROADCOM
CORP., BROADCOM INC., AND AVAGO
TECHNOLOGIES INTERNATIONAL SALES PTE.
LTD.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 22, 2022, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3):

/s/ Melissa R. Smith

CERTIFICATE OF CONFERENCE

On June 17, 2022, counsel for Broadcom contacted counsel for Nokia regarding this motion. Counsel for Nokia stated that it opposed this motion.

/s/ Melissa R. Smith